

REMARKS/ARGUMENTS

The Applicant thanks the Examiner for the Detailed Office Action of 09/08/2004.

Specification

In Item 3 of the Office Action, the Examiner has required a formality amendment to the text disclosing the family tree of the present application. In response, appropriate text has been included in the introductory section of the application.

Double Patenting

The Examiner raises a provisional objection to all the claims in the present application on the basis of a non-statutory double patenting in view of co-pending Application No.10/728,886. The Applicant contests the assertions of the Examiner that the above claims are unpatentable over respective claims in the cited US application. However, in the interest of expeditious prosecution of this application, the Applicant files a Terminal Disclaimer in compliance with 37 CFR 3.73(b).

Claim Rejections

In Item 7 of the Office Action the Examiner has objected to claim 1 on the basis of the claim being anticipated by the disclosure in Khuri-Yakub et al (US 5,828,394). Furthermore, claim 7 is rejected as being unpatentable over Khuri-Yakub et al , in view of Asaba (US 5,850,242).

The Applicant contests the Examiner's conclusion on this issue. However, in the interest of expeditious prosecution of the application, the Applicant has amended claim 1 to limit its scope by adding the feature of the former claim 2, which is now removed from the specification. We note that the Examiner has found claims 2 to 6 allowable, if rewritten in an independent form. Accordingly, it is submitted that the amended claim 1 is novel and inventive in view of the cited prior art documents. Furthermore, because of their dependence on a patentable claim, the rest of the claims are also now novel and inventive.

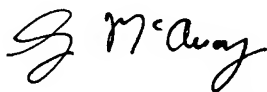
Accordingly, it is respectfully submitted that the Examiner's objections have been successfully traversed and a reconsideration and allowance of the application is courteously solicited.

Very respectfully,

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EXAMINER

ART UNIT

PAPER

20050308

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicants have ONE MONTH to submit in writing for all inventor(s) to agree to be bound by one designated person OR the signatures of ALL persons will be required for each and every document. Please refer to MPEP 37 CFR 1.33(b) for further information.

AD
March 8, 2005Stephen D. Meier
Primary Examiner